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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION
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15 LINDEN R. SAWYER,) CV 12-1548-AG (SH)
16)
17 Plaintiff,) ORDER ADOPTING REPORT AND
18 v.) RECOMMENDATION OF UNITED
19 JOE SULLIVAN, Warden, et al.,) STATES MAGISTRATE JUDGE; and
20 Defendants.) ORDER

21 Pursuant to 28 U.S.C. Section 636(b)(1)(c), the Court has reviewed the
22 Complaint and other papers along with the attached Report and Recommendation
23 of the United States Magistrate Judge, and has made a de novo determination of the
24 Report and Recommendation.

25 IT IS HEREBY ORDERED that:

- 26 1. The Report and Recommendation is approved and adopted.
27 2. Plaintiff's Complaint is dismissed with leave to amend for failure to
28 state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B).

- 1 3. Plaintiff's official capacity damages claims are dismissed without
2 leave to amend.

3 If Plaintiff wishes to pursue this action in this Court, he must file a first
4 amended complaint within thirty days of the date this Order Adopting the Amended
5 Report and Recommendation is filed. The amended complaint, bearing the number
6 CV 12-1548-AG (SH), must be a complete and independent document and must not
7 refer to prior pleadings. Plaintiff is cautioned that failure to file a first amended
8 complaint within the time specified by this Order may result in dismissal of the
9 action with prejudice on the grounds stated in the Report and Recommendation of
10 the United States Magistrate Judge and/or for failure to prosecute.

11 In preparing a first amended complaint, Plaintiff must bear in mind the
12 deficiencies of the current pleading, and must assure that they are not repeated.
13 Plaintiff must take particular note of the following guidelines:

- 14 1. Plaintiff must set forth the jurisdictional grounds for his claims at the
15 outset of the complaint.
- 16 2. The complaint must include only factual allegations directly relevant
17 to Plaintiff's claims, which must be stated in separate, numbered
18 paragraphs (preferably in chronological order), each limited to a single
19 set of circumstances. The facts should be stated in simple, complete
20 sentences. Repetition is to be avoided.
- 21 3. The complaint must clearly identify the specific acts on which each
22 claim is based. Insofar as possible, the allegations should include the
23 date, time, place and circumstances of the offending conduct by each
24 defendant, a clear statement of what each defendant did or failed to do,
25 and the damage of injury suffered by Plaintiff as a result of each
26 defendant's conduct.
- 27 4. If civil rights violations are claimed, the complaint must specifically
28 set forth the federal constitutional right or rights infringed with respect

1 to each alleged wrongful act or omission.
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3 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
4 this Order on the Plaintiff and counsel for Defendants.
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6 DATED: December 28, 2012
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10 ANDREW GUILFORD
11 UNITED STATES DISTRICT JUDGE
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